

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA, )  
                                  )  
Plaintiff,                    )  
                                  )  
vs.                            )  
                                  )  
JOSEPH J. FLEMING,            )  
                                  )  
Defendant.                    )

8:05CR97

ORDER

This matter is before the court on defendant's unopposed MOTION TO CONTINUE FILING PRETRIAL MOTION [20]. For good cause shown, I find that the motion should be granted. The defendant will be given the requested approximate 30-day extension. Pretrial Motions shall be filed by June 6, 2005.

**IT IS ORDERED:**

1. Defendant's MOTION TO CONTINUE FILING PRETRIAL MOTION [20] is granted. Pretrial motions shall be filed on or before **June 6, 2005**.
2. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional time arising as a result of the granting of the motion, i.e., **the time between May 5, 2005 and June 6, 2005**, shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act for the reason defendant's counsel required additional time to adequately prepare the case, taking into consideration due diligence of counsel, and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

**DATED May 5, 2005.**

**BY THE COURT:**

**s/ F.A. Gossett**  
**United States Magistrate Judge**